

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0664.01 Jerry Barry x4341

**SENATE BILL 17-128**

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**SENATE SPONSORSHIP**

**Fields,**

**HOUSE SPONSORSHIP**

**Bridges,**

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING POLICIES RELATING TO VIOLATIONS OF CODES OF**  
102      **BEHAVIOR AT INSTITUTIONS OF HIGHER EDUCATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires all higher education institutions that receive money from the college opportunity fund (institutions) to adopt policies on sexual assault, domestic violence, dating violence, stalking, and hate crimes involving a student, faculty, or staff member consistent with the provisions of the bill. The bill requires the policy to be published in handbooks and on the institution's website. Institutions are required to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

review and, if necessary, update the policies every 2 years.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 23-5-144 as  
3 follows:

4           **23-5-144. Policies on violation of code of conduct or behavior**

5 - **definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES:

7           (a) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE  
8 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102  
9 (10)(b) OR A PARTICIPATING PRIVATE INSTITUTION OF HIGHER EDUCATION  
10 AS DEFINED IN SECTION 23-18-102 (8).

11           (b) "POLICY" MEANS THE POLICY ON SEXUAL ASSAULT, DOMESTIC  
12 VIOLENCE, DATING VIOLENCE, STALKING, AND HATE CRIMES ADOPTED  
13 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

14           (2) ON OR BEFORE AUGUST 1, 2018, THE GOVERNING BOARD OF  
15 EACH INSTITUTION OF HIGHER EDUCATION SHALL ADOPT A POLICY ON  
16 SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING,  
17 AND HATE CRIMES. THE POLICY MUST INCLUDE:

18           (a) DEFINITIONS OF PROHIBITED BEHAVIOR;

19           (b) THE PROTOCOL FOR REPORTING AND RESPONDING TO REPORTS  
20 OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING,  
21 OR HATE CRIMES BY OR ON A STUDENT OR FACULTY OR STAFF MEMBER.

22 THE PROTOCOL MUST INCLUDE:

23           (I) THE RIGHTS OF VICTIMS AND PERSONS REPORTING SEXUAL  
24 ASSAULTS, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, OR HATE  
25 CRIMES; AND

1 (II) THE RIGHTS OF PERSONS ACCUSED OF A SEXUAL ASSAULT,  
2 DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, OR A HATE CRIME;  
3 AND

4 (c) SANCTIONS FOR VIOLATIONS. THE SANCTIONS MUST INCLUDE  
5 MAKING A NOTATION ON THE TRANSCRIPT OF A STUDENT WHO IS FOUND  
6 RESPONSIBLE FOR A SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING  
7 VIOLENCE, STALKING, OR A HATE CRIME THROUGH A CONDUCT PROCESS  
8 THAT THE STUDENT WAS SUSPENDED OR EXPELLED AFTER A FINDING OF A  
9 VIOLATION OF THE POLICY. THE POLICY MUST ALSO ESTABLISH A PROCESS  
10 FOR REQUESTING THE REMOVAL OF THE NOTATION AND THE APPEAL OF A  
11 DENIAL OF THE REMOVAL.

12 (2) EACH INSTITUTION OF HIGHER EDUCATION SHALL MAKE THE  
13 INSTITUTION'S POLICY AVAILABLE TO STUDENTS, FACULTY, AND STAFF  
14 MEMBERS BY:

15 (a) INCLUDING THE POLICY IN THE INSTITUTION'S STUDENT  
16 HANDBOOK AND PERSONNEL HANDBOOK; AND

17 (b) CREATING AND MAINTAINING A PAGE ON THE INSTITUTION'S  
18 WEBSITE DEDICATED SOLELY TO THE POLICY.

19 (4) ON OR BEFORE AUGUST 1, 2020, AND ON OR BEFORE AUGUST  
20 1 EVERY TWO YEARS THEREAFTER, EACH INSTITUTION OF HIGHER  
21 EDUCATION SHALL REVIEW THE INSTITUTION'S POLICY AND, WITH  
22 APPROVAL OF THE INSTITUTION'S GOVERNING BOARD, REVISE THE POLICY  
23 AS NECESSARY.

24 **SECTION 2. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2018 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.